

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

SEP 5 2003

OFFICE OF
MANAGING DIRECTOR

John P. Stern, Esquire
Loral Space & Communications, Ltd.
1755 Jefferson Davis Highway, Suite 1007
Arlington, Virginia 22202-3501

RE: Request for Partial refund of fees for Application to
Extend Milestones
Fee Control Number 0305088210027002

Dear Counsel:

This letter responds to your May 8, 2003 request (which replaced an erroneous letter dated May 1, 2003) that we make a partial refund of the \$7,050 application fee submitted on the same date with the request by Loral SpaceCom Corporation (Loral SpaceCom) to extend the construction completion and launch milestones for its Telstar 8 satellite. For the reasons set out below, we grant your request for a partial refund of \$6,345.

You request a refund of \$6,345, which is the difference between the amount paid by Loral SpaceCom, \$7,050, and the amount you believe would be appropriate, \$705,¹ but for the omission of certain words in the Commission's fee schedule. The schedule no longer includes language specifically corresponding to the statutory space station fee category for applications to extend construction authority.

Loral SpaceCom paid a fee of \$7,050,² requesting authorization to extend milestones. You assert that the fee applicable for a space station modification is the closest remaining fee category that would apply to the requested application, but that the level of effort expended by the Commission to decide a modification differs greatly from the level of effort expended for a milestone extension. In addition, you point out that OMD has granted Loral refunds comparable to that requested here. *See e.g.*, Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esq., Loral Space & Communications Ltd., October 24, 2002 (Fee Control # 0204098210545001).

The Commission's fee schedules are congressionally mandated, and the statutory fee schedule specifies under the category for space stations a fee for each extension of construction permit/launch authorization request. 47 U.S.C. § 158(g), Common Carrier Service, Item 16.g. In implementing 47 U.S.C. § 158, the Commission stated that "[t]he Schedule of Charges created statutory fees that could only be changed in accordance with the statute or through the passage of new legislation." *Report & Order*, 2 FCC Rcd at 948. Accordingly, absent congressional action,

¹ This fee, adjusted to account for inflation, was previously set forth at 47 CFR § 1.1107(9)(g), but is now the amount set forth at 47 CFR § 1.1107(9)(f) Extension of Launch Authority.

² This amount corresponds to the application fee for a space station modification, *see* 47 CFR § 1.1107(9)(c), the category you assert is the closest to the requested relief.

the Commission will not purposely add to or delete from the statutorily established categories of feeable items. In that regard, the Commission later amended certain rules to implement section 3001 of the Omnibus Budget Reconciliation Act of 1989, which amended the Schedule of Charges to include the application and fee for an "extension of construction permit/launch authorization (per request)."³

As you indicate, however, the Commission's fee schedule in effect at the time Loral SpaceCom filed its current application no longer includes a precise reference to a "construction permit" applicable to requesting an extension of the launch authority. This change reflected the Commission's efforts to streamline its satellite application and licensing procedures.⁴ Consequently, pursuant to 47 CFR § 25.117(e), Loral SpaceCom's application is properly a "modification of authorization to extend a required date of completion (e.g., begin construction, complete construction, launch, bring into operation)."⁵ In that regard, section 25.117(e) specifies that the application for modification of authorization⁶ to extend a required date of completion (a milestone), shall be filed on FCC Form 701 (Application for Additional Time to Construct).⁷ Thus, our rules do provide for the relief Loral SpaceCom seeks, i.e., a request to extend a milestone, which is a modification of the authorization.

³ Memorandum Opinion and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989*, FCC 90-63, 5 FCC Rcd 3558, 3633 (1990).

⁴ See Report and Order, *In re Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures*, FCC 96-425, 11 FCC Rcd. 21,581, (1996). As a result of this Order, the Commission eliminated the requirement to apply for a separate construction permit, even though the final authorization includes milestones related to construction. The elimination of the language specific to a construction permit was in keeping with the streamlined single authorization that replaced the multi-step authorizations to first construct and then to seek authorization to launch and operate. Even so, interim steps remain in the form of milestones, which a licensee must meet on pain of termination of the station authorization. For example, the Commission's rules (47 CFR § 25.161) provide for automatic termination of the *station authorization* upon "expiration of the required date of completion of construction or other required action specified in the authorization, . . . if a certification of completion of the required action has not been filed with the Commission unless a request for an extension of time has been filed with the Commission but has not been acted on; . . ."

⁵ Section 25.117 provides in pertinent part:

(e) Any application for modification of authorization to extend a required date of completion (e.g., begin construction, complete construction, launch, bring into operation) shall be filed on FCC Form 701 (Application for Additional Time to Construct). The application must include a verified statement from the applicant: (1) That states the additional time is required due to unforeseeable circumstances beyond the applicant's control, describes these circumstances with specificity, and justifies the precise extension period requested; or (2) That states there are unique and overriding public interest concerns that justify an extension, identifies these interests and justifies a precise extension period.

⁶ See Public Notice, *Implementation Of New Part 25 Regulations For Satellite Space And Earth Station Application And Licensing Procedures*, DA 97-1967, rel: September 16, 1997, 12 FCC Rcd. 13,850 (1997). "An application that revises the data on a previous application that has NOT YET BEEN GRANTED is an 'Amendment', whereas an application that revises the data on a previously GRANTED application (license or registration) is a 'Modification'. Existing authorizations are 'modified' while pending applications are 'amended' (emphasis in original)."

⁷ In contrast to this guidance on the required form for this modification, other applications for modification are filed using FCC Form 312.

The consequence of streamlining portions of Part 25 resulted in a change in the terminology in the fee schedule so as to make it consistent with the rule change eliminating the requirement to obtain a construction permit.⁸ Even so, the streamlining of Part 25 did not alter the statutory schedule requiring payment of a fee with an application that seeks an extension of the milestones and it did not alter the category of the Commission's service, which is to modify the conditions (or milestones) specified in the initial authorization. Thus, the category and fee to obtain an extension of the milestones for construction remain valid. Consequently, the applicable fee is \$705, so Loral SpaceCom is entitled to a refund of \$6,345, the difference between the \$7,050 it paid and the applicable fee it should have paid.

Accordingly, Loral SpaceCom's request for a partial refund of \$6,345 is granted, and a check in that amount payable to the maker of the original check will be sent to you. If you have any questions concerning this letter, you may write me at the Commission or call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", with a stylized flourish at the end.

 Mark Reger
Chief Financial Officer

⁸ See 47 CFR § 25.113(f).

03050882/0027002

LORAL

Space & Communications Ltd.

1755 Jefferson Davis Hwy.
Suite 1007
Arlington, VA 22202-3501
(703) 414-1060
Fax: (703) 414-1079

John P. Stern
Deputy General Counsel

May 1, 2003

- ① 2 day response
- ② Assign to Patty
- ③ tickler for 30 days

Andrew S. Fishel
Managing Director
Office of Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Request for Partial Refund of Fee for Application to Extend Milestones

Dear Mr. Fishel:

Pursuant to Section 1.1117 of the Commission's Rules, 47 C.F.R. § 1.1117, Loral SpaceCom Corporation ("Loral SpaceCom"), respectfully requests a partial refund of the \$6,670 fee that it is submitting today with its request to extend the construction completion and launch milestones for its Telstar 8 satellite.

Prior to September 14, 1998, the Commission's schedule of charges (found at 47 C.F.R. §§ 1.1101-1109) included a category under Section 1.1107(9)(g) for "extension of construction permit/launch authorizations" which was \$610 per request. However, the Commission's subsequent revisions to its schedule eliminated this fee category. In the absence of a specified fee and upon the advice of International Bureau staff, Loral Space & Communications Ltd. ("Loral") has previously filed milestone extension requests with the fee applicable for space station modifications (currently \$6,670), which was the closest remaining fee category that could even be deemed to apply to this type of application. However, Loral requested a refund of that fee, noting that milestone extension requests are usually short, often unopposed and relatively easy for the Commission to act upon.¹ Modification applications, on the other hand, usually involve much more detailed technical analysis and Commission effort.

¹ See Letter from John P. Stern, Loral Space & Communications Ltd. to Andrew S. Fishel, Managing Director, Office of Managing Director, Federal Communications Commission, April 8,

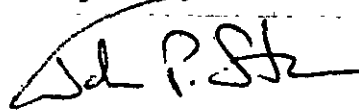
RECEIVED JUL 11 2003

In response to Loral's previous fee determination requests, the Office of the Managing Director stated that the Commission's recent fee schedules have inadvertently omitted the applicable fee for milestone extensions.² The Office of the Managing Director determined that Loral was entitled to a refund of the difference between the fee for a satellite modification and the fee that would be due for milestone extensions.

Since the fee and fee category for milestone extensions have not yet been reinstated on the Commission's fee schedule, Loral SpaceCom is filing its milestone extension request together with a fee of \$6,670 for space station modifications (47 C.F.R. § 1.1107(9)(c)). Consistent with the Managing Director's previous fee determinations, Loral SpaceCom requests that the Commission refund it \$6,000: the difference between the \$6,670 it is paying today and the \$670 fee that would be applicable for a milestone extension request.³

If you have any questions regarding this refund request, please contact the undersigned. Thank you for your prompt consideration of this matter.

Respectfully submitted,



John P. Stern

2002; Letter from John P. Stern, Loral Space & Communications Ltd. to Andrew S. Fishel, Managing Director, Office of Managing Director, Federal Communications Commission, November 2, 1999.

² See Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esq., Loral Space & Communications Ltd., Oct. 24, 2002 (Fee Control # 020409810545001); Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esq., Loral Space & Communications Ltd., Sept. 21, 2000 (Fee Control # 9911048210376001) (attached hereto).

³ Fee categories that used to be \$610 per request appear to have been increased to \$670.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 24 2002

OFFICE OF
MANAGING DIRECTOR

John P. Stern, Esquire
Loral Space & Communications, Ltd.
1755 Jefferson Davis Highway, Suite 1007
Arlington, Virginia 22202-3501

RE: Request for Partial Refund of Fee for Application to
Extend Milestones
Fee Control Number 0204098210545001

Dear Counsel:

This is in response to your Request for a Partial Refund of Fee for Application to Extend Milestones dated April 8, 2002 submitted with the request to extend the construction completion and launch milestones for Loral SpaceCom Corporation's (Loral) Telstar 8 satellite. You request a refund of \$6,000, which is the difference between the amount paid by Loral (\$6,670) and the amount that you believe would be appropriate (\$670), but for an inadvertent elimination of certain words in the Commission's fee schedule that describe a construction permit extension in what the statute defines as a combination fee category for extension of construction/launch authority.

Loral paid a fee of \$6,670,¹ but you assert that because the Commission's schedule of charges in effect at the time and published at 47 CFR §§ 1.1102-1109 do not include a previously referenced category for "extension of construction permit/launch authorizations," that no fee is due for its current application. In the alternative, and in further support of your request, you urge the Commission to apply its earlier rationale that even though the application fee category was modified, so that milestone extension inadvertently was not listed precisely, the corresponding fee from the earlier publication (now increased to \$670) should be applied. See Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esquire, Loral Space & Communications Ltd., September 21, 2000 (Fee Control #9911048210376001). For the following reasons, we grant your request for a partial refund.

The statutory fee schedule specifies as an element of the category for space station fees a fee for each extension of construction permit/launch authorization request. 47 U.S.C. § 158(g), Common Carrier Service, Item 16.g. In implementing 47 U.S.C. § 158, the Commission stated that "[t]he Schedule of Charges created statutory fees that could only be changed in accordance with the statute or through the passage of new legislation." Report and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget*

¹ The fee corresponds to the application fee for a space station modification, see 47 CFR § 1.1107(9)(c), which category, you assert, is closest to the requested relief.

John P. Stern, Esquire

2.

Reconciliation Act of 1985, FCC 86-562, ¶ 8, 2 FCC Rcd 947, 948 (1987). Accordingly, absent congressional action, the Commission will not purposely add to or delete from the statutorily established categories of feeable items. In that regard, the Commission later amended certain of its rules to implement section 3001 of the Omnibus Budget Reconciliation Act of 1989, which amended the Schedule of Charges to include the application and fee for an "extension of construction permit/launch authorization (per request)."²

Subsequently, however, the Commission's fee schedule in effect at the time of Loral's current application inadvertently omitted the applicable statutorily established fee for such extensions. That inadvertence does not result in a change to the statutory schedule. Thus, the category and fee to obtain an extension of the milestones for construction remain valid. Consequently, Loral is entitled to a refund of \$6,000, the difference between the \$6,670 it paid and the applicable \$670 fee it should have paid.

Accordingly, Loral's request for a partial refund of \$6,000 is granted, and a check in that amount made payable to the maker of the original check will be sent to you. If you have any questions concerning this letter, you may call the Revenue and Receivables Operation Group at (202) 418-1995.

Sincerely,



fr Mark Reger
Chief Financial Officer

² Memorandum Opinion and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989*, FCC 90-63, 5 PCC Rcd 3558, 3633 (1990)

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 21 2000

OFFICE OF
MANAGING DIRECTOR

John P. Stern, Esquire
Loral Space & Communications Ltd.
1755 Jefferson Davis Highway
Suite 1007
Arlington, Virginia 22202-3501

Re: Loral Space & Communications, Ltd.
Fee Control # 9911048210376001

Dear Mr. Stern:

This responds to the request of Loral Space & Communications, Ltd. ("Loral SpaceCom") for a refund of the \$6,390.00 fee payment it submitted in connection with its application to extend construction completion and launch milestones of its Telestar 8 satellite.

Specifically, in 1997, section 1.1107(9)(g) specified a fee of \$610 for "extension of construction permit/launch authorization" of geostationary space stations. In 1998, at the time Loral SpaceCom filed the instant application, however, the fee schedule was adjusted upward so that the fee of \$610, had it not been deleted, would have been \$640.

In the absence of a specified fee, and upon the advice of the International Bureau staff, Loral SpaceCom submitted with its instant application a \$6,390.00 payment, the fee specified under section 1.1107(9)(c) for space station modifications. However, Loral SpaceCom maintains that it is not appropriate to apply the modification application fee to an extension application, because a modification application is more complicated, requires greater Commission analysis and effort, and is more likely to be opposed. Loral SpaceCom further maintains that deletion of section 1.1107(9)(g) eliminates the requirement to pay a fee for milestone extensions. Accordingly, Loral SpaceCom requests refund of its \$6,390.00 fee payment.

The statutory fee schedule specifies a fee for each "extension of construction permit/launch authorization" request. See 47 U.S.C. § 158(g), Common Carrier Services, 16g. In implementing 47 U.S.C. § 158, the Commission stated that "changes to this new Schedule of Charges may come only in accordance with the new provisions of the Communications Act or through the passage of new legislation." *See Establishment of Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget*

John P. Stern, Esquire

2.

Reconciliation Act of 1985, FCC No. 86-301 (July 9, 1986)(WESTLAW, FCOM-FCC library). Thus, absent congressional action, the Commission will not purposely add to or delete from the statutorily established categories of feeable items.

Our review of Loral SpaceCom's request discloses that, in fact, the Commission's recent fee schedules inadvertently omitted the applicable fee for extensions. In the future, the Commission will amend its fee schedule to reinstate the applicable fee. However, in the interim, as the statutory fee schedule has retained the applicable fee category, Loral SpaceCom remains subject to the fee requirement. Loral SpaceCom is entitled to a refund of \$5,750.00, the difference between the \$6,390.00 it paid and the applicable \$640.00 fee it should have paid.

Accordingly, Loral SpaceCom's request for refund is granted in part. A check made payable to the maker of the original check and drawn in the amount of \$5,750.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,


for Mark A. Reger
Chief Financial Officer

WILLKIE FARR & GALLAGHER

1875 K Street, N.W.
Washington, DC 20006-1238
Tel: 202 303 1000
Fax: 202 303 2000

May 8, 2003

Andrew S. Fishel
Managing Director
Office of Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

① 2 day letter
② Patty Casella
③ tickler for 30 days

Re: Request for Partial Refund of Fee for Application to Extend Milestones

Dear Mr. Fishel:

Please accept this letter as a replacement for the May 1, 2003, letter from John P. Stern, Deputy General Counsel, Loral Space & Communications Ltd. ("Loral"), in which Loral SpaceCom Corporation ("Loral SpaceCom") requested a partial refund of the fee that it submitted that day with its request to extend the construction completion and launch milestones for its Telstar 8 satellite. The filing on May 1, 2003, inadvertently remitted the old filing fee (\$6,670) for satellite modifications and was returned and refiled May 7, 2003, with the appropriate (\$7,050) fee. Pursuant to Section 1.1117 of the Commission's Rules, 47 C.F.R. Section 1.1117, Loral SpaceCom respectfully requests a partial refund of the \$7,050 fee submitted with its request to extend the construction completion and launch milestones for Telstar 8.

Prior to September 14, 1998, the Commission's schedule of charges (found at 47 C.F.R. §§ 1.1101-1109) included a category under Section 1.1107(9)(g) for "extension of construction permit/launch authorizations" which was \$610 per request. However, the Commission's subsequent revisions to its schedule eliminated this fee category. In the absence of a specified fee and upon the advice of International Bureau staff, Loral has previously filed milestone extension requests with the fee applicable for space station modifications (currently \$7,050), which was the closest remaining fee category that could even be deemed to apply to this type of application. However, Loral requested a refund of that fee, noting that milestone extension requests are usually short, often unopposed and relatively easy for the Commission to act upon.¹

¹ See Letter from John P. Stern, Loral Space & Communications Ltd. to Andrew S. Fishel, Managing Director, Office of Managing Director, Federal Communications Commission, April 8, 2002; Letter from John P. Stern, Loral Space & Communications Ltd., to Andrew S. Fishel, Managing Director, Office of Managing Director, Federal Communications Commission, November 2, 1999.

RECEIVED JUN 11 2003

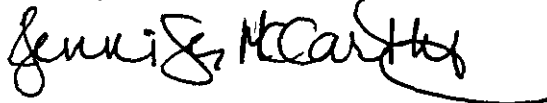
Modification applications, on the other hand, usually involve much more detailed technical analysis and Commission effort.

In response to Loral's previous fee determination requests, the Office of the Managing Director stated that the Commission's recent fee schedules have inadvertently omitted the applicable fee for milestone extensions.² The Office of the Managing Director determined that Loral was entitled to a refund of the difference between the fee for a satellite modification and the fee that would be due for milestone extensions.

Since the fee and fee category for milestone extensions have not yet been reinstated on the Commission's fee schedule, Loral SpaceCom filed its milestone extension request together with a fee of \$7,050 (paid by Willkie Farr & Gallagher) for space station modifications (47 C.F.R. § 1.1107(9)(c)). Consistent with the Managing Director's previous fee determinations, Loral SpaceCom, by its attorneys, requests that the Commission refund Willkie Farr & Gallagher \$6,345; the difference between the \$7,050 paid and the \$705 fee that would be applicable for a milestone extension request.³

If you have any questions regarding this refund request, please contact the undersigned. Thank you for your prompt consideration of this matter.

Respectfully submitted,



Jennifer D. McCarthy
Counsel for Loral

cc: John P. Stern

² See Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esq., Loral Space & Communications Ltd., Oct. 24, 2002 (Fee Control # 020409810545001); Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esq., Loral Space & Communications Ltd., Sept. 21, 2000 (Fee Control # 9911048210376001) (attached hereto).

³ Fee categories that used to be \$610 per request appear to have been increased to \$705.

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
OCT 24 2002

OFFICE OF
MANAGING DIRECTOR

John P. Stern, Esquire
Loral Space & Communications, Ltd.
1755 Jefferson Davis Highway, Suite 1007
Arlington, Virginia 22202-3501

RE: Request for Partial Refund of Fee for Application to
Extend Milestones
Fee Control Number 0204098210545001

Dear Counsel:

This is in response to your Request for a Partial Refund of Fee for Application to Extend Milestones dated April 8, 2002 submitted with the request to extend the construction completion and launch milestones for Loral SpaceCom Corporation's (Loral) Telstar 8 satellite. You request a refund of \$6,000, which is the difference between the amount paid by Loral (\$6,670) and the amount that you believe would be appropriate (\$670), but for an inadvertent elimination of certain words in the Commission's fee schedule that describe a construction permit extension in what the statute defines as a combination fee category for extension of construction/launch authority.

Loral paid a fee of \$6,670,¹ but you assert that because the Commission's schedule of charges in effect at the time and published at 47 CFR §§ 1.1102-1109 do not include a previously referenced category for "extension of construction permit/launch authorizations," that no fee is due for its current application. In the alternative, and in further support of your request, you urge the Commission to apply its earlier rationale that even though the application fee category was modified, so that milestone extension inadvertently was not listed precisely, the corresponding fee from the earlier publication (now increased to \$670) should be applied. See Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esquire, Loral Space & Communications Ltd., September 21, 2000 (Fee Control #9911048210376001). For the following reasons, we grant your request for a partial refund.

The statutory fee schedule specifies as an element of the category for space station fees a fee for each extension of construction permit/launch authorization request. 47 U.S.C. § 158(g), Common Carrier Service, Item 16.g. In implementing 47 U.S.C. § 158, the Commission stated that "[t]he Schedule of Charges created statutory fees that could only be changed in accordance with the statute or through the passage of new legislation." Report and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget*

¹ The fee corresponds to the application fee for a space station modification, see 47 CFR § 1.1107(9)(c), which category, you assert, is closest to the requested relief.

John P. Stern, Esquire

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Subsequently, however, the Commission's fee schedule in effect at the time of Loral's current application inadvertently omitted the applicable statutorily established fee for such extensions. That inadvertence does not result in a change to the statutory schedule. Thus, the category and fee to obtain an extension of the milestones for construction remain valid. Consequently, Loral is entitled to a refund of \$6,000, the difference between the \$6,670 it paid and the applicable \$670 fee it should have paid.

Accordingly, Loral's request for a partial refund of \$6,000 is granted, and a check in that amount made payable to the maker of the original check will be sent to you. If you have any questions concerning this letter, you may call the Revenue and Receivables Operation Group at (202) 418-1995.

Sincerely,


for Mark Reger
Chief Financial Officer

² Memorandum Opinion and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989*, FCC 90-63, 5 FCC Rcd 3558, 3633 (1990)

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
SEP 21 2000

OFFICE OF
MANAGING DIRECTOR

John P. Stern, Esquire
Loral Space & Communications Ltd.
1755 Jefferson Davis Highway
Suite 1007
Arlington, Virginia 22202-3501

Re: Loral Space & Communications, Ltd.
Fee Control # 9911048210376001

Dear Mr. Stern:

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John P. Stern, Esquire

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Reconciliation Act of 1985, FCC No. 86-301 (July 9, 1986)(WESTLAW, FCOM-FCC library). Thus, absent congressional action, the Commission will not purposely add to or delete from the statutorily established categories of feeable items.

Our review of Loral SpaceCom's request discloses that, in fact, the Commission's recent fee schedules inadvertently omitted the applicable fee for extensions. In the future, the Commission will amend its fee schedule to reinstate the applicable fee. However, in the interim, as the statutory fee schedule has retained the applicable fee category, Loral SpaceCom remains subject to the fee requirement. Loral SpaceCom is entitled to a refund of \$5,750.00, the difference between the \$6,390.00 it paid and the applicable \$640.00 fee it should have paid.

Accordingly, Loral SpaceCom's request for refund is granted in part. A check made payable to the maker of the original check and drawn in the amount of \$5,750.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,


for Mark A. Reger
Chief Financial Officer

WILLKIE FARR & GALLAGHER

May 7, 2003

**WF&G
STAMP IN**

1875 K Street, N.W.
Washington, DC 20006-1238
Tel: 202 303 1000
Fax: 202 303 2000

Federal Communications Commission
International Bureau - Satellites
P.O. Box 358210
Pittsburgh, PA 15251-5210

FCC/MELLON

MAY 7 2003

Re: Loral SpaceCom Corporation - Telstar 8 - Request for Extension of Milestones and Waiver or Petition for Reconsideration - SAT-MOD-20020408-00060; SAT-MOD-19991101-00107; SAT-MOD-19991102-00106

Dear Sir or Madam:

Loral SpaceCom Corporation ("Loral SpaceCom"), by its attorneys, hereby resubmits its May 1, 2003, original and nine copies of an application on Form 312 to extend the construction completion and launch milestones associated with the Telstar 8 satellite at 89° W.L. The filing on May 1, 2003, inadvertently remitted the old filing fee (\$6,670) for satellite modifications and was returned (see attached). Accordingly, enclosed is a new Form 159 and a check for \$7,050 to cover the applicable filing fee. Please date-stamp and return a copy of the enclosed filing in the envelope provided. Any inquiries related to this request should be directed to the undersigned.

The pleading filed May 1, 2003, also contained a request for waiver and petition for reconsideration of the International Bureau's April 1, 2003, order with respect to the above-referenced file numbers.¹ The petition for reconsideration and waiver was not subject to a fee but was merely combined with the modification for ease of consideration. The petition for reconsideration and waiver was properly filed May 1, 2003, and we therefore request that it be processed *nunc pro tunc*.

Respectfully submitted,



Philip L. Verveer
Jennifer D. McCarthy

Counsel for Loral SpaceCom Corp.

¹ In re Loral SpaceCom Corporation and Loral SpaceCom Space & Communications Corporation, Applications for Modification of Fixed-Satellite Service Space Station Authorizations; Applications for Extension of Milestone Dates, Memorandum Opinion, Order and Authorization, DA 03-1045 (rel. April 1, 2003).

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB
3060-0589
Page No 1 of 1

(1) LOCKBOX # 358210

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Willkie Farr & Gallagher

(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)

\$7,050.00

(4) STREET ADDRESS LINE NO. 1

1875 K Street, N.W.

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Washington

(7) STATE

DC

(8) ZIP CODE

20006-1238

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202)303-1145

(10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0003-7337-48

(12) PAYER (TIN)

13-5536844

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

Loral SpaceCom Corp.

(14) STREET ADDRESS LINE NO. 1

c/o Loral Space & Communications Ltd.

(15) STREET ADDRESS LINE NO. 2

1755 Jefferson Davis Highway, Suite 1007

(16) CITY

Arlington

(17) STATE

VA

(18) ZIP CODE

22202-3501

(19) DAYTIME TELEPHONE NUMBER (include area code)

(703)414-1060

(20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

0005-0150-52

(22) APPLICANT (TIN)

13-3867427

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

TelStar 8 - S2160

(24A) PAYMENT TYPE CODE

BFY

(25A) QUANTITY

1

(26A) FEE DUE FOR (PTC)

\$7,050.00

(27A) TOTAL FEE

\$7,050.00

FCC USE ONLY

(28A) FCC CODE 1

(29A) FCC CODE 2

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, _____, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE _____ DATE _____

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31)

☐ MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION
DATE:

☐ VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.

SIGNATURE _____ DATE _____

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

05-02-03

Re: FRN 0005-0150-02
CallSign/ID _____
FCC Code#1 _____
FCC Code#2 _____

Loral Space Com Corp.
600 Third Avenue
New York, NY 10016

Dear FCC Customer:

Re: Return of Unprocessable Application

This is to notify you that your application package is being returned for the following reasons:

- ☐ No application/filing accompanied your submission.
- ☐ No remittance accompanied your submission. Please refer to the appropriate Fee Filing Guide
- ☒ The remittance for payment type code BFY is now \$ 7050.00
- ☐ Your check is not acceptable for this reason _____
- ☒ Multiple checks for a single application are not accepted, please send one check for \$ 7050.00
- ☐ No remittance advice (FCC Form 159) accompanied your submission.
- ☐ The payment type code is needed.
- ☐ The remittance advice form (FCC Form 159) is incomplete.
- ☐ The credit card section of FCC Form 159 Remittance Advice needs _____ Expiration date _____ Signature.
- ☐ Block 3 must be completed (please enter \$ _____) to authorize a credit charge, only the credit card holder can complete this item.
- ☐ Your credit card was denied by Authorizations; please confirm or correct card number.
- ☐ Your credit card was declined; if any question, please contact bank that issued card.
- ☐ The FCC Form 159, Remittance Advice, used is obsolete. Please use the February 2000 edition. See enclosed Public Notice for further information.
- ☐ The Payer/Applicant FCC Registration Number (FRN) is missing from the Form 159. This number is required in order to process your filing. See enclosed News Release for further assistance.
- ☐ Payment for your electronically filed application cannot be processed without the confirmation number in the FCC Code 2 block of the FCC Form 159. Payment must be received within 10 business days from the receipt date of your electronically filed application to avoid dismissal. If payment is not received within 10 days, you must file another electronically filed application, properly complete a FCC Form 159, which includes the required confirmation number, and send another payment.
- ☐ Other.

Please refer to the enclosed Fee Filing Guide for further instructions, and mail your corrected application, remittance advice form and payment to the appropriate P.O. Box in Pittsburgh, PA.

If you have further questions, please contact the FCC at 202-418-1995.

Sincerely,

FCC Financial Operations

For Office Use Only:

Proc # 1 1661
Proc #2 _____

Enclosures: INT-SAT
Filing Guide _____
Check(s) # 1088975 6670.00
FCC Form(s) 159/312 Rec'd in P.O. Box # 210

WILLKIE FARR & GALLAGHER

May 1, 2003

1875 K Street, N.W.
Washington, DC 20006-1238
Tel: 202 303 1000
Fax: 202 303 2000

Federal Communications Commission
International Bureau - Satellites
P.O. Box 358210
Pittsburgh, PA 15251-5210

FCC/MELLON

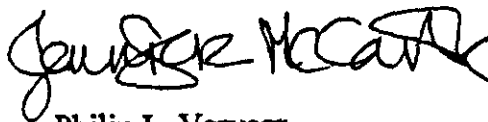
MAY 01 2003

Re: Loral SpaceCom Corporation - Telstar 8 - Request for Extension of Milestones and Waiver or Petition for Reconsideration - SAT-MOD-20020408-00060; SAT-MOD-19991101-00107; SAT-MOD-19991102-00106

Dear Sir or Madam:

Loral SpaceCom Corporation ("Loral SpaceCom"), by its attorneys, hereby submits an original and nine copies of an application on Form 312 to extend the construction completion and launch milestones associated with the Telstar 8 satellite at 89° W.L. Also enclosed is a completed Form 159 and a check to cover the applicable filing fee. The pleading also contains a request for waiver and petition for reconsideration of the International Bureau's April 1, 2003 order in the above-referenced proceedings.¹ Please date-stamp and return a copy of the enclosed filing in the envelope provided. Any inquiries related to this request should be directed to the undersigned.

Respectfully submitted,



Philip L. Verveer
Jennifer D. McCarthy

Counsel for Loral SpaceCom Corp.

cc: attached certificate of service

¹ In re Loral SpaceComSpaceCom Corporation and Loral SpaceComSpace & Communications Corporation, Applications for Modification of Fixed-Satellite Service Space Station Authorizations; Applications for Extension of Milestone Dates, Memorandum Opinion, Order and Authorization, DA 03-1045 (rel. April 1, 2003).